

**ORDINANCE NO. 040902-58**

**AN ORDINANCE AMENDING TITLE 25 OF THE CITY CODE TO ADD A NEW UNIVERSITY NEIGHBORHOOD OVERLAY ZONING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** Section 25-2-32(F) of the City Code is amended to read:

(F) Combining districts and map codes are as follows:

- |   |            |
|---|------------|
| (1) historic landmark                       | H          |
| (2) conditional overlay                     | CO         |
| (3) neighborhood conservation               | NC         |
| (4) planned development area                | PDA        |
| (5) waterfront overlay                      | WO         |
| (6) mixed use                               | MU         |
| (7) Capitol view corridor                   | CVC        |
| (8) Capitol dominance                       | CD         |
| (9) Congress Avenue                         | CA         |
| (10) East Sixth / Pecan Street              | PS         |
| (11) downtown parks                         | DP         |
| (12) downtown creeks                        | DC         |
| (13) convention center                      | CC         |
| (14) central urban redevelopment            | CURE       |
| (15) East Austin                            | EA         |
| (16) neighborhood plan                      | NP         |
| (17) <u>university neighborhood overlay</u> | <u>UNO</u> |

**PART 2.** Chapter 25-2 of the City Code is amended to add a new Section 25-2-178 to read:

**§ 25-2-178 UNIVERSITY NEIGHBORHOOD OVERLAY (UNO) DISTRICT PURPOSE AND BOUNDARIES.**

- (A) The purpose of the university neighborhood overlay (UNO) district is to promote high density redevelopment in the area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district.
- (B) The UNO district consists of the following subdistricts:
  - (1) inner west campus subdistrict;
  - (2) outer west campus subdistrict;
  - (3) Guadalupe subdistrict; and
  - (4) Dobie subdistrict.
- (C) The boundaries of the UNO district and each subdistrict are identified in Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) of this chapter.

**PART 3.** Chapter 25-2, Subchapter C, Article 3 of the City Code is amended to add a new Division 9 to read:

**Division 9. University Neighborhood Overlay District Requirements.**

**§ 25-2-751 APPLICABILITY.**

This division applies to property in the university neighborhood overlay (UNO) district if the property owner files a site plan and an election for the property to be governed by this division.

**§ 25-2-752 CONFLICT OF LAW.**

For property governed by this division, this division supersedes the other provisions of this title to the extent of conflict.

**§ 25-2-753 LOCAL USES DESCRIBED.**

(A) In this division, a local use is a use that serves the public by providing goods or services in a manner readily accessible by pedestrians or the occupants of the structure in which the uses are located. Local uses include:

- (1) administrative and business offices;
- (2) art and craft studio;
- (3) art gallery;
- (4) art workshop;
- (5) business and trade school;
- (6) consumer convenience services;
- (7) consumer repair services;
- (8) counseling services;
- (9) custom manufacturing;
- (10) day care services (commercial, general, or limited);
- (11) financial services;
- (12) food preparation;
- (13) food sales;
- (14) general retail sales (convenience or general);
- (15) guidance services;
- (16) indoor sports and recreation;
- (17) medical offices (under 5,000 square feet);
- (18) personal improvement services;
- (19) personal services;
- (20) pet services;
- (21) printing and publishing services;
- (22) professional office;
- (23) religious assembly;

- (24) restaurant (general or limited);
- (25) theater; and
- (26) a conditional use in the base zoning district that is approved by the land use commission.

(B) A local use may not include a drive-through facility.

**§ 25-2-754 USE REGULATIONS.**

(A) In a nonresidential zoning base district, residential uses are permitted.

(B) In any base zoning district, a hotel-motel use, a multifamily use, or a group residential use is permitted.

(C) This subsection applies to a multifamily residential use.

(1) Each building must achieve at least a one star rating under the Austin Green Building program.

(2) All ground floor dwelling units must be:

(a) adaptable for use by a person with a disability; and

(b) accessible by a person with a disability from the on-site parking and common facility, if any.

(3) At least 10 percent of the dwelling units must be accessible for a person with a mobility impairment.

(4) At least two percent of the dwelling units must be accessible for a person with a hearing or visual disability.

(5) Each multistory building must be served by an elevator, unless at least 25 percent of the site's dwelling units are located on the ground floor.

(6) A parking space must be leased separately from a dwelling unit.

(D) This subsection governs local uses in a residential base district.

(1) Except as provided in Paragraph (2), up to 20 percent of the gross floor area of a site may be used for local uses. At least one-half of the gross floor area of the local uses must be located at street level and accessible from a pedestrian path. In determining these percentages, a nonresidential use that is accessory to the principal residential use or

located in a historic landmark is excluded from the gross floor area of the local uses.

- (2) Up to 100 percent of the gross floor area of a structure may be used for local uses if the structure is:
  - (a) a historic landmark or the structure contains less than 10,000 square feet of gross floor area and is the only structure on the site; or
  - (b) less than 60 feet in height and located on:
    - (i) Guadalupe Street between Martin Luther King, Jr. Blvd. and 29<sup>th</sup> Street;
    - (ii) Martin Luther King Jr., Blvd. between Guadalupe Street and Rio Grande Street; or
    - (iii) 24<sup>th</sup> Street between Guadalupe Street and Rio Grande Street.

(E) This subsection applies to commercial off-street parking.

- (1) Commercial off-street parking on a surface lot is prohibited.
- (2) Commercial off-street parking in a structure is:
  - (a) permitted in any base zoning district in the Guadalupe, Dobie, or inner west campus subdistrict; and
  - (b) prohibited in the outer west campus subdistrict.
- (3) The street level portion of a commercial off-street parking structure that is accessible from a pedestrian path must contain local uses for a depth of at least 18-1/2 feet. This requirement does not apply to a portion of the structure used for an entrance or exit.

(F) A cocktail lounge is a conditional use if it is accessory to a hotel-motel use with at least 50 rooms.

#### **§ 25-2-755 MINIMUM LOT AREA.**

The minimum lot area is 2,500 square feet.

#### **§ 25-2-756 HEIGHT.**

(A) Except as provided in Subsection (B), maximum heights for structures are prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*).

(B) In the outer west campus subdistrict, a structure with a multi-family residential use may exceed by 15 feet the maximum height prescribed by Appendix C (*University Neighborhood Overlay District Boundaries, Subdistrict Boundaries, And Height Limits*) if:

- (1) the structure is located in an area for which the maximum height is at least 50 feet; and
- (2) the multi-family residential use, for a period of not less than 15 years from the date a certificate of occupancy is issued, sets aside at least:
  - (a) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and
  - (b) 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

**§ 25-2-757 SETBACKS.**

- (A) There are no minimum front yard or street side yard setbacks, except:
- (1) the minimum setbacks are 10 feet along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street; and
  - (2) the minimum front yard setback is two feet along Graham Place, West 24½ Street, San Pedro Street, West 21<sup>st</sup> Street, and Hume Place.
- (B) The maximum front yard setback and the maximum street side yard setback are 10 feet, except:
- (1) the maximum setbacks are 15 feet along 24<sup>th</sup> Street or along Martin Luther King, Jr. Blvd. between Rio Grande Street and San Gabriel Street;
  - (2) the maximum setbacks are 45 feet for a public plaza or private common open space;
  - (3) there are no maximum setbacks for a pedestrian entry court or an outdoor cafe; and

(4) the director of the Watershed Protection and Development Review Department may modify a maximum setback if the director determines that the modification is required to protect a historic structure or a tree designated as significant by the city arborist.

(C) There is no minimum or maximum interior side yard setback.

(D) There is no minimum or maximum rear yard setback.

(E) A building must be at least 12 feet from the front face of the curb of the adjacent street.

**§ 25-2-758 BUILDING STEPBACKS AND BUILDING ENVELOPE RESTRICTION.**

(A) Except as provided in Subsection (B):

(1) if an exterior wall of a building is adjacent to a street other than an alley, at a height of 60 feet, the upper portion of the wall must be set back from the lower portion of the wall by a distance of at least 12 feet; and

(2) if the north side of a building is adjacent to a street other than an alley and is greater than 60 feet in height, the upper portion of the north side of the building must be set back within a building envelope that is formed by a plane that extends from the top of the lower portion of the north side exterior wall toward the building at an angle of 62 degrees above horizontal.

(B) If a building facade abuts street frontage for a distance of at least 280 feet, Subsection (A) does not apply to:

(1) 15 percent of the length of a building facade that faces east, south, or west; or

(2) 20 percent of the length of a building facade that faces north.

**§ 25-2-759 STREET WALL AREAS ADJACENT TO OCCUPANT SPACE.**

(A) In this section:

(1) OCCUPANT SPACE means space in a building used for a use other than a parking facility or a mechanical facility.

(2) STREET WALL AREA means the portion of an exterior wall of a building adjacent to a public street other than an alley and accessible from a pedestrian path that extends from the base of street level:

- (a) to a maximum height of 60 feet; or
  - (b) for an accessory parking structure, to a maximum height of two stories.
- (B) At least 42 percent of the street wall area of a building must be adjacent to occupant space.
- (C) If a building has street wall areas on more than one street, at least 29 percent of the total street wall area must be adjacent to occupant space on a street that runs east and west.
- (D) This section does not apply to a commercial off-street parking structure.

**§ 25-2-760 STREETScape IMPROVEMENTS.**

- (A) Except as provided in Subsection (B), a site owner shall install a sidewalk not less than 12 feet wide along each street frontage adjacent to the site.
- (B) A site owner shall install a sidewalk not less than five feet wide along West 24½ Street, San Pedro Street, West 21<sup>st</sup> Street, Hume Place, or Salado Street.
- (C) A site owner shall plant and maintain trees along an adjacent street right-of-way.
- (1) Trees must be spaced to create a nearly contiguous canopy when the trees reach maturity.
  - (2) A tree must be in scale with the adjacent building.
  - (3) A tree planted in a sidewalk area must have a tree grating.
- (D) A site owner shall install and maintain pedestrian-scale lighting along an adjacent street right-of-way.
- (E) The director of the Watershed Protection and Development Review Department shall adopt rules prescribing the requirements for tree planting and maintenance and the installation and maintenance of pedestrian-scale lighting.
- (F) The director of the Watershed Protection and Development Review Department may require fiscal security to ensure compliance with this section.

**§ 25-2-761 PLACEMENT OF EQUIPMENT AND TRASH RECEPTACLES.**

Utility equipment, mechanical equipment, and large trash receptacles:

- (1) are prohibited in the area between a building and a street; and

(2) must not be visible from a street.

**§ 25-2-762 SITE ACCESS.**

- (A) Vehicular access from a site to a public street is limited to two curb cuts.
- (B) Vehicular access to a site from 20<sup>th</sup> Street, 21<sup>st</sup> Street, 22<sup>nd</sup> Street, 23<sup>rd</sup> Street, 25<sup>th</sup> Street, 26<sup>th</sup> Street, 27<sup>th</sup> Street, or 28<sup>th</sup> Street between Guadalupe Street and Pearl Street is prohibited if the site has frontage on another street or alley.
- (C) A site with access to an alley must use the alley or a parking structure for service and delivery access.
- (D) A site that does not have access to an alley must provide a service and delivery area that is at least 30 feet deep, measured from the front setback line or side setback line, as applicable.
- (E) The director of the Watershed Protection and Development Review Department may waive or modify a requirement of this section if the director determines that the waiver or modification is necessary for adequate traffic circulation or public safety.

**§ 25-2-763 CERTAIN REGULATIONS INAPPLICABLE OR SUPERSEDED.**

- (A) The following provisions of this subchapter do not apply:
  - (1) maximum floor-to-area ratios;
  - (2) maximum building coverage percentages;
  - (3) Article 9 (*Landscaping*); and
  - (4) Article 10 (*Compatibility Standards*), if the property is at least 75 feet from the boundary of the university neighborhood overlay district.
- (B) Impervious cover limitations of this subchapter are superseded by this subsection. Maximum impervious cover is:
  - (1) 100 percent in the inner west campus and Guadalupe subdistricts;
  - (2) the greater of 90 percent or the percentage permitted in the base zoning district in the outer west campus subdistrict; and
  - (3) the greater of 85 percent or the percentage permitted in the base zoning district in the Dobie subdistrict.

- (C) For a multi-family residential use, minimum site area and open space requirements of this subchapter do not apply.

**§ 25-2-764 DESIGN GUIDELINES.**

- (A) A site plan must substantially comply with the design guidelines prescribed by administrative rule. An applicant shall file with the site plan a building elevation drawing that demonstrates substantial compliance with the design guidelines.
- (B) The director of the Watershed Protection and Development Review Department shall determine whether a site plan substantially complies with the design guidelines.
- (C) The director of the Watershed Protection and Development Review Department may waive a provision of the design guidelines if the director determines that the provision is unreasonable or impractical as applied to the site plan and that, with the waiver, the site plan will still substantially comply with the design guidelines. A waiver under this subsection must be the minimum departure from the provision necessary to avoid an unreasonable or impractical result.
- (D) An interested party may appeal to the land use commission:
- (1) a determination by the director of the Watershed Protection and Development Review Department that a site plan substantially complies with the design guidelines; or
  - (2) a decision by the director of the Watershed Protection and Development Review Department granting or denying a waiver under Subsection (C).

**§ 25-2-765 AFFORDABLE HOUSING.**

- (A) A multi-family residential use established after [effective date of ordinance] must, for a period of not less than 15 years from the date a certificate of occupancy is issued, set aside at least:
- (1) 10 percent of the dwelling units on the site to house persons whose household income is less than 80 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office; and
  - (2) except as provided in Subsection (B), an additional 10 percent of the dwelling units on the site to house persons whose household income is less than 65 percent of the median income in the Austin statistical

metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office.

- (B) The University Neighborhood District Housing Trust Fund is established. Instead of complying with Paragraph (A)(2), a person may pay into the fund a fee of \$0.50 for each square foot of net rentable floor area in the multi-family residential use development.
- (C) The director of the Austin Neighborhood Housing and Community Development Office may allocate money from the University Neighborhood District Housing Trust Fund for housing development in the university neighborhood overlay district that provides at least 10 percent of its dwelling units to persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, for a period of not less than 15 years from the date a certificate of occupancy is issued.

**PART 4.** Section 25-6-478(B) of the City Code is amended to read:

(B) This section does not apply:

- (1) to property in a central business (CDB) district or downtown mixed use (DMU) district;
- (2) to commercial, industrial, or civic use in a traditional neighborhood (TN) district;
- (3) to a corner store special use; neighborhood mixed use building special use; commercial, industrial, or civic use portion of a neighborhood urban center special use; or commercial or civic use portion of a residential infill special use;
- (4) to property in the university neighborhood overlay (UNO) district; or
- (5) [~~4~~] if the off-street parking requirement has been modified under Section 25-6-473 (*Modification Of Parking Requirement*) or Section 25-6-476 (*Parking For Mixed-Use Developments*).

**PART 5.** Chapter 25-6, Article 7 of the City Code is amended to add a new Division 6 to read:

**Division 6. Special Provisions For The University Neighborhood Overlay District.**

**§ 25-6-601 PARKING REQUIREMENTS FOR UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT.**

- (A) Except as otherwise provided in this section, the minimum off-street parking requirement in the university neighborhood overlay district is 60 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*).
- (B) Off-street parking is not required for a commercial use if the use:
- (1) occupies less than 6,000 square feet of gross floor area; or
  - (2) is located on:
    - (a) Guadalupe Street between Martin Luther King, Jr. Blvd. and West 29<sup>th</sup> Street; or
    - (b) West 24<sup>th</sup> Street between Guadalupe Street and Rio Grande Street.
- (C) For a multi-family residential use, the minimum off-street parking requirement is 40 percent of that prescribed by Appendix A (*Tables Of Off-Street Parking And Loading Requirements*) if the multi-family residential use:
- (1) participates in a car sharing program that complies with the program requirements prescribed by administrative rule, as determined by the director of the Watershed Protection and Development Review Department; or
  - (2) sets aside for a period of not less than 15 years from the date a certificate of occupancy is issued at least 10 percent of the dwelling units on the site to house persons whose household income is less than 50 percent of the median income in the Austin statistical metropolitan area, as determined by the director of the Austin Neighborhood Housing and Community Development Office, in addition to complying with Section 25-2-765 (*Affordable Housing*).

**PART 6.** Chapter 25-2 of the City Code is amended to add a new Appendix C to read:

## APPENDIX C

### UNIVERSITY NEIGHBORHOOD OVERLAY DISTRICT BOUNDARIES, SUBDISTRICT BOUNDARIES, AND HEIGHT LIMITS

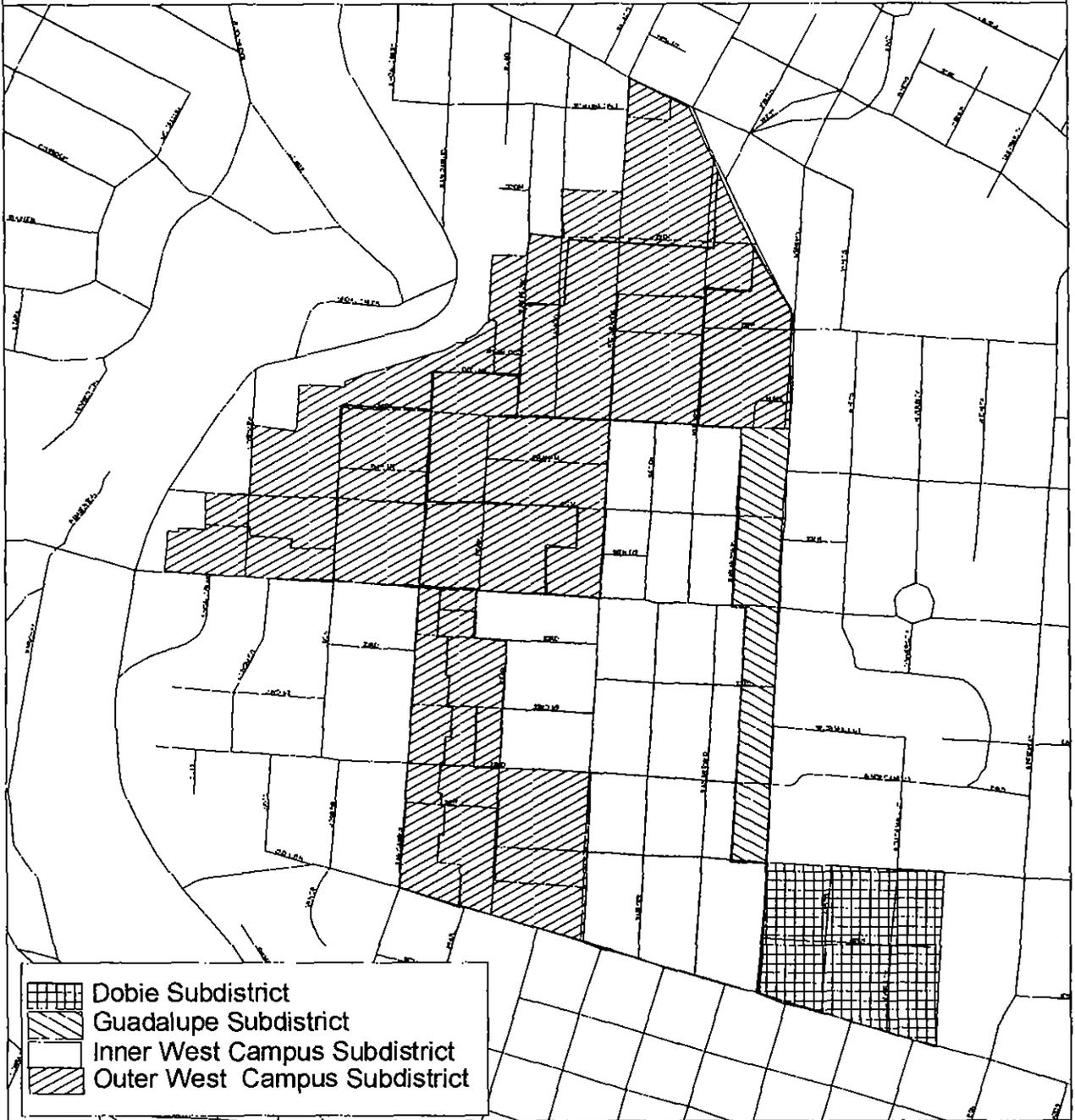
#### University Neighborhood Overlay District Boundaries

The university neighborhood overlay district is indicated on the subdistrict boundaries map and includes the area bounded:

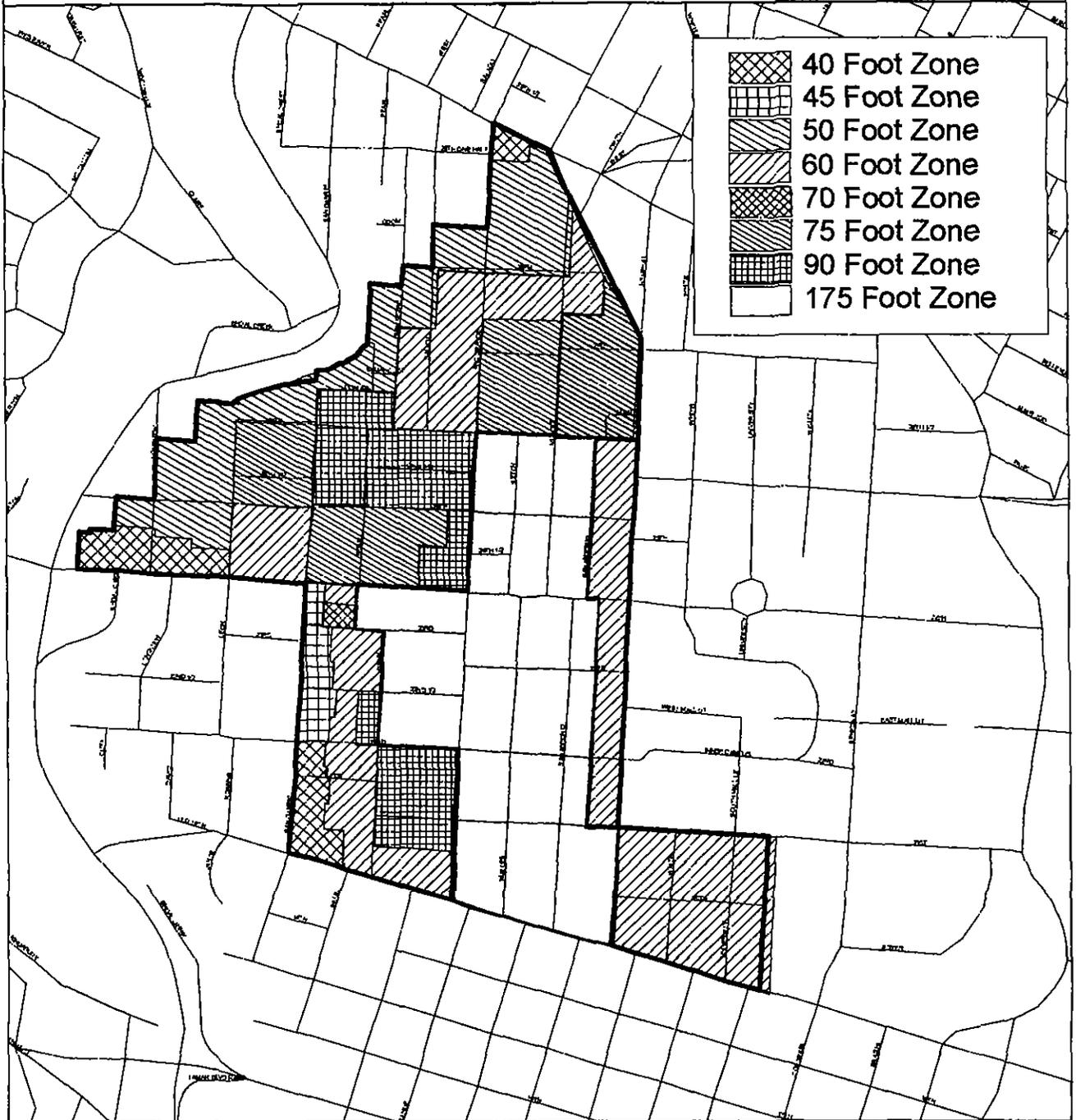
- (1) on the north by a line along West 29<sup>th</sup> Street from Rio Grande Street to Guadalupe Street;
- (2) on the east by a line along Guadalupe Street from West 29<sup>th</sup> Street to West 21<sup>st</sup> Street; West 21<sup>st</sup> Street from Guadalupe Street to the eastern ally of University Avenue; the eastern alley of University Avenue from West 21<sup>st</sup> Street to West MLK Jr. Boulevard;
- (3) on the south by a line along West MLK Jr. Boulevard from the eastern alley of University Avenue to San Gabriel Street; and
- (4) on the west by a line along San Gabriel Street to West 24<sup>th</sup> Street; west along West 24<sup>th</sup> Street to the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three; north along the western lot line of lot One of the Resubdivision of a Portion of Outlot Forty-Three to the alley between Lamar Boulevard and Longview Street; north along the alley to West 25<sup>th</sup> Street; east along West 25<sup>th</sup> Street to Longview Street; north along Longview Street to the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Fifteen, Block Five of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the alley between Longview Street and Leon Street; north along the ally to the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five; east along the northern lot line of lot Twenty-Three, Block Four of the Subdivision of Outlots Forty-Three, Forty-Four, Forty-Five and Fifty-Five to the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision; along the northern lot lines of lots Twenty-Nine, Thirty, Thirty-One, Thirty-Two, and Three of the Harwood Subdivision to San Gabriel Street; north along San Gabriel Street to the northern lot line of the Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two; along the northern lot line of the

Graham Subdivision of Outlots Fifty-Nine, Sixty, Sixty-Four, and the North Half of Fifty-Two to a point 160' east of San Pedro Street of the southern lot line of lot One of the Gortons Addition; from this point north to a point 160' east of San Pedro Street on the northern lot line of lot Four of the Gortons Addition; east along the northern lot line of lot Four of the Gortons Addition to San Pedro Street; north along San Pedro Street to West 28<sup>th</sup> Street; west along 28<sup>th</sup> Street to Salado Street; north along Salado Street to an alley on the northern lot line of Outlot 67, Division D of the Graham Subdivision; east along the alley to Rio Grande Street; north along Rio Grande Street to West 29<sup>th</sup> Street.

# University Neighborhood Overlay Subdistrict Boundaries



# University Neighborhood Overlay Height Limits



**PART 7.** This ordinance takes effect on September 13, 2004.

**PASSED AND APPROVED**

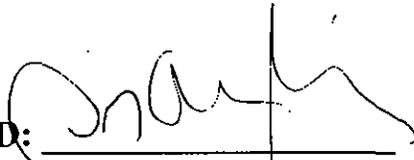
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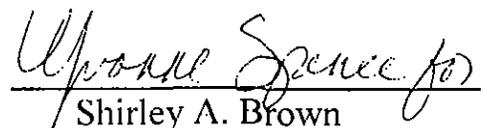
Will Wynn  
Mayor

**APPROVED:**



David Allan Smith  
City Attorney

**ATTEST:**



Shirley A. Brown  
City Clerk